

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 6413 of 2007(L)

PETITIONER:

P.V. PAULOSE (CHARGEMAN (AUTO))
DISTRICT TRANSPORT OFFICE, K.S.R.T.C., PERUMBAVOOR,
AGED 50, S/O.VARGHESE, PULICKAL HOUSE, PULLUVAZHY
PERUMBAVOOR, KUNNATHUNADU TALUK. (NOW UNDER ORDERS
OF TRANSFER TO REGIONAL WORKSHOP, KOZHIKODE).

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM

RESPONDENTS:

1. CHAIRMAN &
MANAGING DIRECTOR, KERALA STATE ROAD TRANSPORT
CORPORATION, EAST FORT, THIRUVANANTHAPURAM.
2. ASSISTANT TRANSPORT OFFICER,
OFFICE OF THE DISTRICT TRANSPORT OFFICE,
K.S.R.T.C., PERUMBAVOOR.
3. CHIEF OFFICER-IN-CHARGE OF
EXECUTIVE DIRECTOR (VIGILANCE), CHIEF OFFICE,
KERALA STATE ROAD, TRANSPORT CORPORATION,
EAST FORT, THIRUVANANTHAPURAM.
4. G. MURALEEDHARAN NAIR,
INSPECTOR (VIGILANCE), CHIEF OFFICE,
KERALA STATE ROAD, TRANSPORT CORPORATION,
EAST FORT, THIRUVANANTHAPURAM.

BY SRI.JOHNSON P.JOHN (SC FOR KSRTC)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 6413 OF 2007

Dated this the 27th day of February, 2007

JUDGMENT

Sri.Johnson P. John, Standing Counsel takes notice.

2. Even though Sri.George Varghese Kizhakkambalam, counsel for the petitioner was very persuasive in his submissions, in view of the position conceded in Ext.P6 that the petitioner has already been relieved, I find it difficult to stay the transfer order. But Ext.P7 is pending before the Managing Director of the Corporation. Exts.P3 to P6 will show that the petitioner is a chronic cardiac patient. Considering Exts.P3 to P6 and the grounds raised by the Writ Petitioner, particularly the case that the inspection was not at 12.30 PM but was actually at 1 O'clock and that the only defect was that the petitioner was not wearing belt, during lunch break, I feel that petitioner deserves to be considered sympathetically.

The 1st respondent is directed to consider Ext.P7 in light of the various grounds raised in the Writ Petition and Exts.P3 to P6 at his earliest and at any rate within three weeks of receiving copy of this judgment. If the petitioner is desirous of a personal hearing, he should make request in which case the request will be granted. The principles

laid down in **K. Vijayan V. State of Kerala** [2005(3) KLJ 286] will also be kept in mind by the 1st respondent while taking decision on Exts.P3 to P6.

PIUS C. KURIAKOSE, JUDGE

btt

